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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA,) No. CR 07-0157 MHP
18 Plaintiff,) [PROPOSED] ORDER AND
19 v.) STIPULATION CONTINUING HEARING
20 EDGAR RENE HUIZAR,) AND EXCLUDING TIME FROM JUNE
21 Defendant.) 11, 2007 TO ~~AUGUST 20, 2007~~ FROM ~~AUGUST 27/07~~
22) THE SPEEDY TRIAL ACT
23) CALCULATION (18 U.S.C.
24) § 3161(h)(8)(A) & (B)(iv))
25)
26)
27)
28)

20 On June 11, 2007, the parties appeared before Your Honor. At that time, this Court set a
21 new plea and sentence date of July 16, 2007, in order to give defense counsel an opportunity to
22 obtain from the government and review further discovery in the case. This Court excluded time
23 from June 11, 2007, through July 16, 2007 based on the need for effective case preparation.

24 Although the government promptly requested from the investigative agency the discovery
25 requested by the defendant, the government has not yet received that discovery. As a result, the
26 defendant has not yet had an opportunity to review the discovery. Based on these developments,
27 and with the consent of the defendant, the parties hereby request that this Court enter this order
28 (1) vacating the current plea and sentencing date of July 16, 2007, and scheduling a change of

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plea and sentencing date on August 6, 2007, before your Honor; and (2) documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), from June 11, 2007, to August 20, 2007. The parties stipulate as follows:

1. The parties agree to an exclusion of time under the Speedy Trial Act, from June 11,
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2007 to August 20, 2007. Failure to grant the requested continuance would unreasonably deny
both government and defense counsel reasonable time necessary for effective case preparation
because the parties are still engaged in discovery, case discussions, and plea negotiations. The
parties are awaiting further discovery in the case from the investigative agency, and require
additional time to receive and review that discovery.

2. On June 11, 2007, this Court found that the ends of justice served by excluding the period from June 11, 2007 to July 16, 2007 outweighed the best interest of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Accordingly, and with the consent of the defendant, the Court ordered that the period from June 11, 2007 to July 16, 2007 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

4. Due to the aforementioned delay in receiving the sought-after discovery, time should be excluded from July 16, 2007 to August 20, 2007, on the same basis.

IT IS SO STIPULATED.

DATED: July 11, 2007

/s/
ERIKA R. FRICK
Assistant United States Attorney

DATED: July 12, 2007

RON TYLER
Attorney for Edgar Rene Huizar

IT IS SO ORDERED.

DATED: July 17, 2007

